

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

WILLIAM BRYANT,)	CASE NO. 4:03 CV 1269
)	
Petitioner,)	JUDGE JOHN R. ADAMS
)	
v.)	MAGISTRATE JUDGE
)	WILLIAM H. BAUGHMAN, JR.
STUART HUDSON, Warden,)	
)	<u>MEMORANDUM OPINION</u>
Respondent.)	<u>AND ORDER</u>

Before the Court is petitioner William Bryant's (Bryant) petition,¹ as amended,² for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent Stuart Hudson³ opposes the petition⁴ and, in so doing, asserts that the petition is time-barred.⁵

In determining if Bryant's petition is timely-filed, the Court is mindful that documents originating with a person in custody will be deemed "filed" when the prisoner delivers them

¹ ECF # 1.

² ECF # 25.

³ Hudson was substituted as respondent by non-document order on February 21, 2006.

⁴ ECF ## 28, 32.

⁵ ECF # 28 at 9.

“to prison authorities for forwarding to the District Court.”⁶ The Sixth Circuit has specifically applied this rule to habeas petitions.⁷

Accordingly, to permit a proper evaluation of the claim that Bryant’s petition is time-barred, both parties are hereby ordered to provide to the Court within fourteen days of this Order any and all evidence in their possession or control as to when this petition was given “to prison authorities for forwarding to the District Court.”⁸

IT IS SO ORDERED.

Dated: March 3, 2006

s/ William H. Baughman, Jr.
United States Magistrate Judge

⁶ *Houston v. Lack*, 487 U.S. 266, 273 (1988).

⁷ *Marshall v. Tyszkiewicz*, 221 F.3d 1335, 2000 WL 924483, at *1 (6th Cir. 2000) (unpublished table decision).

⁸ *Houston*, 487 U.S. at 273.